

REMARKS

Applicants respectfully request reconsideration in light of the remarks and amendments of this instant response.

Claims 1 and 3-24 are pending. Claims 1 and 3-24 stand rejected. Claims 1, 10, 11, and 22 have been amended. Claims 19-21 have been cancelled. No new matter has been added. For example, support for the amendments of Claims 1, 10, and 22 can be found in the instant Application as filed at least at 0014 lines 3-6, 0032, 0035, 0019. Claim 11 was only amended to provide antecedent basis.

35 U.S.C. 103(a)

“As reiterated by the Supreme Court in KSR, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)).

Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicants respectfully submit that the instant Office Action fails to explain the differences between the asserted art and Applicants’ claimed features, in which the asserted art fails to teach, describe, or suggest features of Applicants’ claimed embodiments. Moreover, Applicants respectfully submit that the instant Office Action fails to explain why these differences would have been obvious to one of ordinary skill in the art.

Applicants respectfully submit that “[i]t is improper to combine references where the references teach away from their combination” (emphasis added; MPEP 2145(X)(D)(2); *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)). Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Further, “[a] reference will teach away if it suggests that the line of development flowing from the reference’s disclosures is unlikely to be productive of the result sought by the applicant. *In re Gurley*, 31 USPQ2d 1130 (Fed. Cir. 1994).”

Claims 1, 3-6, 8-14 and 17-23

Claims 1, 3-6, 8-14 and 17-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,155,510 by Kaplan (referred to hereinafter as “Kaplan”) in view of “Approach for Long Term Forecasting with an Application to Solar Electric Energy” by Sarin dated 1979 (referred to hereinafter as “Sarin”).

Applicants respectfully submit that none of the asserted art teaches or suggests “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” as recited by Claim 1. Applicants respectfully submit that Kaplan teaches away from “wherein there is a relatively small number of participants associated with the information market,” as recited by Claim 1.

First, Kaplan states at Col. 2 lines 9-11, (emphasis added) “The idea that the collective intelligence of many individual investors could outperform the experts has not heretofore been considered as it seemed counter-intuitive to most investment professionals.” Kaplan further states at Col. 3 lines 44-47, (emphasis added) “The

approach is based on the collective intelligence of many individual investors, rather than on the intelligence of any one expert or group of recognized experts.”

Accordingly, Applicants understand Kaplan to require many participants (see Kaplan Col. 2 lines 9-11, Col. 2 lines 44-47 quoted herein). Applicants respectfully submit that Kaplan also teaches many participants at least at Col. 5 lines 29-32 and Col. 6 lines 40-41. Applicants respectfully submit that requiring many participants teaches away from (emphasis added) “wherein there is a relatively small number of participants associated with the information market,” as recited by Claim 1. Therefore, Applicants do not understand Kaplan to teach or suggest Claim 1.

Second, Applicants understand Kaplan to be silent with respect to “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” as recited by Claim 1.

Third, Applicants respectfully submit that Sarin does not remedy the deficiencies in Kaplan. For example, Applicants also understand Sarin to be silent with respect to “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of their respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” as recited by Claim 1.

Further, since Applicants understand Kaplan to teach away from “wherein there is a relatively small number of participants associated with the information market,” as recited by Claim 1, Applicants respectfully submit that there is no motivation to combine Kaplan with any other asserted art, such as Sarin.

For at least these reasons, Applicants respectfully submit that independent Claim 1 is patentable for at least the reasons that Applicants do not understand the Kaplan Sarin combination to teach or suggest, and even understands Kaplan to teach away from Claim 1. For similar reasons, Applicants understand independent Claims 10, 19 and 22 to be patentable over the Kaplan Sarin combination.

Claims 2-9 depend on independent Claim 1. Claims 11-18 depend on independent Claim 10. Claims 20 and 21 depend on independent Claim 19. Claims 23 and 24 depend on independent Claim 22. These dependent claims included all of the features of their respective independent claims. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

Although independent Claims 1, 10, 19 and 22 were not rejected on the basis of “Markets as Information Gathering Tools” by Plott dated 2000 (referred to herein after as “Plott-MIG”) and “Information Aggregation Mechanisms: Concept, Design, and Implementation For A Sales Forecasting Problem” by Plott dated 2002 (referred to herein after as “Plott-IAM”), Applicants have reviewed PLOT-MIG and PLOT-IAM and do not understand either PLOT-MIG and PLOT-IAM to teach or suggest “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” among other things, as recited by Claim 1.

Claims 6, 7, 15 and 16

Claims 6, 7, 15 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Sarin and further in view of “An Approach for Long Term Forecasting with an Application to Solar Electric Energy” published 1979 (referred to herein as “Long Term Forecasting”) as applied to claims 1-6, 8-14, and

17-23 above, and further in view of “The Power of Play” published 2001 by Pennock (Referred to hereinafter as “Pennock”).

First, as discussed herein, Applicants do not understand the Kaplan Sarin combination to teach or suggest “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” as recited by Claim 1.

Second, Applicants do not understand Pennock to remedy the deficiencies of the Kaplan Sarin combination. For example, Applicants understand Pennock to teach the power of play (see Pennock title). However, Applicants do not understand Pennock to teach or suggest “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” as recited by Claim 1.

Third, Applicants respectfully submit that Kaplan teaches away from “wherein there is a relatively small number of participants associated with the information market,” as recited by Claim 1. Therefore, Applicants respectfully submit that there is no motivation to combine Kaplan with any other asserted art.

For at least these reasons, Applicants respectfully submit that the Kaplan Sarin Pennock combination does not teach or suggest independent Claim 1. For similar reasons, Applicants respectfully submit that the Kaplan Sarin Pennock combination does not teach or suggest independent Claim 11.

Claims 6 and 7 depend on independent Claim 1. Claims 15 and 16 depend on independent Claim 11. These dependent claims included all of the features of their respective independent claims. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

Claim 24

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Sarin, and further in view of Long Term Forecasting and further in view of U.S. Patent No. 5,608,620 by Lundgren (referred to hereinafter as “Lundgren”).

First, as discussed herein, Applicants do not understand the Kaplan Sarin combination to teach or suggest “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state... wherein the at least one participant characteristic includes individual risk attitude,” as recited by Claim 1.

Second, Applicants do not understand Lundgren to remedy the deficiencies of the Kaplan Sarin combination. For example, Applicants understand Lundgren to teach eliciting unbiased forecasts by relating a forecaster’s pay to the forecaster’s contribution to a collective forecast (see Lundgren title). However, Applicants do not understand Lundgren to teach or suggest “establishing a mechanism for the participants to interact in the information market, wherein each of the participants receives a predetermined amount of resources with a constraint that each of the participants is to spend all of its respective resources and to spend some of its respective resources on each state,” as recited by Claim 1.

Third, Applicants respectfully submit that Kaplan teaches away from “wherein there is a relatively small number of participants associated with the information

market,” as recited by Claim 1. Therefore, Applicants respectfully submit that there is no motivation to combine Kaplan with any other asserted art.

For at least these reasons, Applicants respectfully submit that the Kaplan Sarin Lundgren combination does not teach or suggest independent Claim 1. For similar reasons, Applicants respectfully submit that the Kaplan Sarin Lundgren combination does not teach or suggest independent Claim 11.

Claims 6 and 7 depend on independent Claim 1. Claims 15 and 16 depend on independent Claim 11. These dependent claims included all of the features of their respective independent claims. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-24 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 08-2025 with reference to our Docket No. 82189586.

Respectfully submitted,
WAGNER BLECHER LLP

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/Cheryl A. Eichstaedt/

Cheryl A. Eichstaedt
Registration No. 50,761

Address:

Westridge Business Park
123 Westridge Drive
Watsonville, California 95076 USA

Telephone:

(408) 377-0500 Voice
(408) 234-3649 Direct/Cell
(831) 722-2350 Facsimile